

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

JAMES GUMBERT,

Plaintiff,

v.

NAYA PROPERTIES, INC. and  
JAN NEELAM,

Defendants.

§  
§  
§  
§  
§  
§  
§  
§  
§

1:23-cv-323-RP

**ORDER**

On March 24, 2023, Plaintiff filed his complaint in this action with this Court. (Compl., Dkt. 1). To date, however, there is no indication that Plaintiff has served Defendant with the complaint and summons. “If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m). Well over than 90 days have passed since Plaintiff filed its complaint.

On July 10, 2023, the Court issued an order to show cause as to Plaintiff’s failure to serve Defendants. (Dkt. 6). On July 25, 2023, the Court issued a second show cause order. Plaintiff failed to respond either order. Because Plaintiff has not shown good cause to extend its deadline to serve Defendant, the Court must dismiss this action under Rule 4(m). Fed. R. Civ. P. 4(m).

**IT IS THEREFORE ORDERED** that this action is dismissed without prejudice under Federal Rule of Civil Procedure 4(m).

**IT IS FURTHER ORDERED** that this case is closed.

**SIGNED** on August 9, 2023.

A handwritten signature in blue ink, appearing to read 'R. Pitman', is written above a horizontal line.

ROBERT PITMAN  
UNITED STATES DISTRICT JUDGE